

Attorney Docket No.: SHE-6144

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SHLOMO GABBAY

APPLICATION NO.: **09/973,609**

CONFIRMATION NO.: **8158**

FILED ON: **October 9, 2001**

Art Unit: **3738**

EXAMINER: **BRIAN E. PELLEGRINO**

TITLE: **IMPLANTATION SYSTEM FOR DELIVERY OF A HEART VALVE PROSTHESIS**

MAIL STOP FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**VERIFIED STATEMENT UNDER 1.28(c)
EXPLAINING ERROR IN CONNECTION WITH LARGE ENTITY STATUS**

Dear Sir or Madam:

This verified Statement is made by the person having personal knowledge to explain how the error in good faith occurred and when it was discovered in connection with the accompanying NOTIFICATION OF ERROR IN PAYMENT OF LARGE ENTITY FEE(S) AS LARGE ENTITY, for the above-identified Application Serial No. 09/973,609.

The following is an itemization of the deficiency payments paid since February 17, 2009, according to the October 1, 2008 fee schedule, and a total deficiency owed resulting from the change to small entity status:

<u>Date</u>	<u>Description</u>	<u>Paid</u>	<u>Owed</u>
February 17, 2009	Issue Fee	\$1,810.00	\$905.00

Total reimbursement owed: \$905.00.

Any error in paying the above listed fees as a large entity was without deceptive or fraudulent intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified patent.

Date: 22 May 2009



Gary J. Pitzer
Reg. No. 39, 334

Customer No.: 26,294

TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP
1300 East Ninth Street – Suite 1700
Cleveland, OH 44114
Telephone: (216) 621-2234
Facsimile: (216) 621-4072

185768_1.DOC

Practitioner's Docket No. **SHE-6144****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SHLOMO GABBAYAPPLICATION NO.: **09/973,609**CONFIRMATION NO.: **8158**FILED ON: **October 9, 2001**Art Unit: **3738**EXAMINER: **BRIAN E. PELLEGRINO**TITLE: **IMPLANTATION SYSTEM FOR DELIVERY OF A HEART VALVE
PROSTHESIS****STATEMENT OF STATUS AS SMALL ENTITY**
(37 C.F.R. § 1.27(a)(1))—INDEPENDENT INVENTOR

As a below named inventor, I hereby state that I qualify as an independent inventor, as defined in 37 CFR § 1.27(a)(1), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention described in the application identified above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as a person under 37 C.F.R. § 1.27(a)(1), if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 C.F.R. § 1.27(a)(2), or a nonprofit organization under 37 C.F.R. § 1.27(a)(3).

No person, concern or organization exists to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(g)(2))

SHLOMO GABBAY

Signature of Inventor

Date May 21, 09

185762_1.DOC